

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

WEBSTER FINANCIAL CORPORATION,
WEBSTER BANK, NATIONAL
ASSOCIATION, and WEBSTER CAPITAL
FINANCE, INC.

Plaintiffs,

WEBSTER CAPITAL FINANCE INC., FIFIK
PRIVATE LOANS, FIFIK JAN, SAMUEL
HOWARD, ALEX HAMPSOM, various JOHN
and JANE DOES 1-10, and XYZ COMPANIES
1-10 (UNIDENTIFIED),

Defendants.

Case No. 2:18-cv-02223-MMD-GWF

**FINAL JUDGMENT AND PERMANENT
INJUNCTION AGAINST DEFENDANTS
WEBSTER CAPITAL FINANCE INC.,
FIFIK PRIVATE LOANS, FIFIK JAN,
SAMUEL HOWARD AND ALEX
HAMPSOM**

1 Plaintiffs Webster Financial Corporation, Webster Bank, National Association, and
2 Webster Capital Finance, Inc. (collectively, “Webster”) brought the above-captioned lawsuit
3 against Webster Capital Finance Inc., Fifik Private Loans, Fifik Jan, Samuel Howard, Alex
4 Hampsom (collectively, “Defendants”) alleging that Defendants are using Webster’s name,
5 reputation, business address, and trademarks to sell counterfeit financial products and services,
6 namely, sham residential loans and loan protection insurance. Specifically, Webster asserts that
7 Defendants are unlawfully utilizing the WEBSTER CAPITAL FINANCE® mark and Plaintiff
8 Webster Capital Finance, Inc.’s registered agent address in Nevada and its Nevada Business ID
9 number, NV20021340400, to deceive consumers into believing that Defendants are Plaintiff
10 Webster Capital Finance, Inc. (hereinafter, the “Infringing Mark”). Webster further asserts that
11 Defendants are using the following email addresses to further their fraudulent conduct:
12 webstercapitalfinance@outlook.com and webstercapitalfinanceinc@gmail.com. Webster also
13 contends that Defendants have misappropriated the likeness of at least two individuals to
14 promote themselves and their fraudulent business and Defendants’ unlawful conduct has caused
15 actual consumer confusion.

16 As a result of the Defendants’ fraudulent scheme, Webster asserted claims against
17 Defendants for federal trademark infringement under 15 U.S.C. §1114, federal common law
18 trademark infringement under 15 U.S.C. § 1125(a)(1)(A), federal common law unfair
19 competition, false designation or origin and false advertising under 15 U.S.C. § 1125(a)(1)(B),
20 federal trademark dilution under 15 U.S.C. § 1125(c), trademark infringement and unfair
21 competition under Nevada common law, trademark dilution in violation of Nev. Rev. Stat. Ann.
22 § 600.435, and violations of Nevada Deceptive Trade Practices Act, Nev. Rev. Stat. Ann. § 598
23 *et seq.* Having reviewed the Complaint and file and being otherwise duly and fully advised in
24 the premises, it is hereby

25 **ORDERED, ADJUDGED and DECREED that:**

26 1. This Court has jurisdiction over all the parties and all of the claims set forth in
27 Webster’s Complaint.

1 2. Webster has the right to use and enforce the WEBSTER Marks, including
2 registrations for WEBSTER (Reg. Nos. 3334639 and 3334640) and WEBSTER CAPITAL
3 FINANCE (Reg. No. 3898098).

4 3. Webster uses the WEBSTER Marks on and in connection with its financial
5 products and services. The WEBSTER Marks are valid, distinctive, protectable, famous
6 throughout the United States and the State of Nevada, have acquired secondary meaning, and
7 are associated exclusively with Webster.

8 4. The Court finds that the conduct set forth in the Complaint constitutes federal
9 trademark infringement under 15 U.S.C. §1114, federal common law trademark infringement
10 under 15 U.S.C. § 1125(a)(1)(A), federal common law unfair competition, false designation or
11 origin and false advertising under 15 U.S.C. § 1125(a)(1)(B), federal trademark dilution under
12 15 U.S.C. § 1125(c), trademark infringement and unfair competition under Nevada common
13 law, trademark dilution in violation of Nev. Rev. Stat. Ann. § 600.435, and violations of Nevada
14 Deceptive Trade Practices Act, Nev. Rev. Stat. Ann. § 598 *et seq.*, and such conduct has caused
15 substantial and irreparable harm to Webster, and will continue to cause substantial and
16 irreparable harm to Webster unless enjoined.

17 5. Webster has suffered damages, including loss of goodwill and damage to its
18 reputation, as a result of Defendants' conduct. On review and consideration of all relevant
19 factors, Webster is entitled to injunctive relief on the claims as set forth in the Complaint.

20 6. Final judgment as to liability is hereby entered against Defendants Webster
21 Capital Finance Inc., Fifik Private Loans, Fifik Jan, Samuel Howard, Alex Hampsom, and in
22 favor of Webster Financial Corporation, Webster Bank, National Association, and Webster
23 Capital Finance, Inc. on all of the claims set forth in Webster's Complaint.

24 7. The Court grants Plaintiffs six (6) months to conduct post-judgment discovery,
25 including third-party discovery, in order to determine the appropriate amount of damages to be
26 awarded against Defendants. The Court retains jurisdiction over this matter to address any
27 discovery disputes that may arise.

1 8. Plaintiffs may file a motion seeking entry of a judgment awarding damages
2 against Defendants and this Court retains jurisdiction to enter a subsequent judgment in favor of
3 Plaintiffs and against Defendants.

4 9. Defendants and all of their past and present officers, directors, successors,
5 assigns, parents, subsidiaries, affiliates, related companies, predecessors-in-interest, companies,
6 agents, employees, heirs, personal representatives, beneficiaries, relatives, and all other persons
7 or entities acting or purporting to act for it/him or on its/his behalf, including but not limited to
8 any corporation, partnership, proprietorship or entity of any type that is in any way affiliated or
9 associated with Defendants or Defendants' representatives, agents, assigns, parent entities,
10 employees, independent contractors, associates, servants, affiliated entities, and any and all
11 persons and entities in active concert and participation with Defendants who receive notice of
12 this Order, shall be and hereby are PERMANENTLY ENJOINED from:

- 13 a. Infringing the WEBSTER Marks, or any term confusingly similar to
14 WEBSTER and/or WEBSTER CAPITAL FINANCE;
- 15 b. Engaging in the marketing, distribution, advertising, promotion, sale, offer
16 of sale, or distribution of their products and/or services under the
17 WEBSTER Marks (or any mark that is likely to cause confusion with the
18 WEBSTER Marks);
- 19 c. Doing any other act or thing likely to cause confusion among consumers
20 regarding whether Defendants' business is in any way affiliated,
21 connected, or associated with Webster or their business;
- 22 d. Unfairly competing with Webster in any manner whatsoever;
- 23 e. Utilizing Nevada Business ID: NV20021340400
- 24 f. Utilizing webstercapitalfinance@outlook.com and
25 webstercapitalfinanceinc@gmail.com and any other email addressing
26 incorporating any of the WEBSTER Marks or any term confusingly
27 similar thereto;

- g. Utilizing phone numbers: 775-346-6035; 702-356-7318; and 402-882-5068;
- h. Creating false and deceptive online profiles, community pages, and any other internet content that mentions Webster Capital Finance or any of the WEBSTER Marks; and,
- i. Causing a likelihood of confusion with any of the WEBSTER Marks.

10. Pursuant to the Lanham Act, Defendants shall account for, recall from any and all channels of distribution, and deliver up to Webster for destruction all materials infringing the WEBSTER Marks, including all advertisements, brochures, and web-based materials containing the Infringing Mark (or any other marks that are likely to cause confusion with or dilute the WEBSTER Marks) within ten (10) days of the date of this Final Judgment.

11. The Court retains jurisdiction to enforce any violation of the terms of this Permanent Injunction.

12. The address of Plaintiffs is 145 Bank Street, Waterbury, Connecticut 06702.

13. Defendants appear to be located in Lagos, Nigeria.

14. The Court hereby finds, pursuant to Fed. R. Civ. P. 54(b), that there is no just reason for delay and orders that Judgment shall be entered against Defendants Webster Capital Finance Inc., Fifik Private Loans, Fifik Jan, Samuel Howard, Alex Hampsom as set forth herein.

DATED: July 10, 2019



**THE HONORABLE MIRANDA M. DU
UNITED STATES DISTRICT JUDGE**